

REMARKS

Applicant has carefully reviewed and considered the Office Action mailed on July 19, 2006, and the references cited therein.

Claims 1, 5-8, 14-15, 20, 29, 30-32, and 35 are amended and claims 22-28 are canceled; as a result, claims 1-21 and 29-36 are now pending in this application.

§ 112 Rejection of the Claims

Claim 3 was rejected under 35 USC § 112, first paragraph, as failing to comply with the written description requirement. Claim 3 was alleged to contain subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, has possession of the claimed invention.

In the response mailed on April 28, 2006, Claim 3 was amended to further define “predetermined distance” of claim 1 as being “less than a wireless range of said wireless body appliance.” The Examiner takes the position that the applicant’s specification fails to support such a limitation. The Applicant respectfully disagrees. The specification as filed supports, in multiple places, the limitation that the predetermined distance can be less than the wireless range of the wireless body appliance. For example, on page 8, lines 9-12, the specification describes one method for determining whether the user is within the predetermined distance as measuring a power level that is being received by the wireless device from the wireless body appliance. If the power level is below a predetermined threshold, it is assumed that the wireless body appliance is outside the predetermined distance. The fact that a signal is being received from the wireless body appliance shows that the wireless device is within the wireless range of the wireless body appliance. Therefore, the predetermined distance is less than the wireless range of the wireless body appliance. It is submitted that a person of ordinary skill in the art would reasonably conclude from the specification as filed that the inventors had possession of the subject matter of claim 3.

§102 Rejection of the Claims

Claims 1, 2, 15, 16, 18, and 29 were rejected under 35 USC § 102(b) as being anticipated by *Smith* (U.S. Publication 2003/0025603).

Claim 1 has been amended to add “when determining determines that said user is not within said predetermined distance of said wireless device, and said user is logged in to said wireless device, automatically locking said wireless device while keeping said user logged in, wherein a locked wireless device cannot be used by anyone and an unlocked wireless device can be used by a party that is logged in.” In claim 1, “determining” is performed after receiving said wireless signal. In *Smith*, per the Examiner’s interpretation, the PDA determines whether a master authenticator is present by delivering a query to the master authenticator and waiting for a response. If no response is received, the PDA assumes that there is no master authenticator within the predetermined distance (i.e., the predetermined distance is the same as the range of the master authenticator). Therefore, in *Smith*, it is impossible for “determining” to determine that said user is not within said predetermined distance of said wireless device because “determining” is performed after receiving said wireless signal. *Smith* can only determine that the user is not within said predetermined distance by not receiving a wireless signal. In addition to the above, *Smith* does not disclose “locking” the wireless device while the user is still logged in to the device.

Based on the foregoing, it is submitted that claim 1 is not anticipated by *Smith*. Reconsideration and allowance of claim 1 is therefore respectfully requested. Similar arguments apply to amended claims 15 and 29.

Claim 2 and claims 16 and 18 are dependent claims that depend, either directly or indirectly, from independent claims 1 and 15, respectively. Consequently, these claims are allowable for at least the same reasons as their corresponding base claim.

Claims 7, 8 and 11 are rejected under 35 USC § 102(e) as being anticipated by *Prokoski, et al.* (U.S. Patent 6,850,147).

Independent claim 7 has been amended to recite “wherein said at least one biometric sensor includes a heartbeat sensor.” *Prokoski et al.* does not disclose the use of a heartbeat sensor as a biometric sensor within a wireless body appliance.

Claims 8 and 11 are dependent claims that depend directly from independent claim 7. Consequently, these claims are allowable for at least the same reasons as claim 7. These claims also provide further basis for patentability. For example, claim 8 has been amended to recite that the wireless body appliance includes one of the following: a glove and a hat. Prokoski et al. does not disclose the use of a glove or a hat as a wireless body appliance.

Claims 7 and 8 are rejected under 35 USC § 102(e) as being anticipated by *Kotzin* (U.S. Publication 2004/0257196).

Independent claim 7 has been amended to recite “wherein said at least one biometric sensor includes a heartbeat sensor.” Kotzin does not disclose the use of a heartbeat sensor as a biometric sensor within a wireless body appliance.

Claim 8 is a dependent claim that depends directly from independent claim 7. Consequently, this claim is allowable for at least the same reasons as claim 7. Claim 8 also provides further basis for patentability. For example, claim 8 has been amended to recite that the wireless body appliance includes one of the following: a glove and a hat. Kotzon does not disclose the use of a glove or a hat as a wireless body appliance.

§103 Rejection of the Claims

Claims 3, 4, and 17 were rejected under 35 USC § 103(a) as being unpatentable over *Smith* (U.S. Publication 2003/0025603) as applied to claims 1 and 15 above, and further in view of *Overy et al.* (U.S. Publication 2003/0220765).

Claims 3 and 4 and claim 17 are dependent claims that depend directly from independent claims 1 and 7, respectively. Consequently, these claims are allowable for at least the same reasons as their corresponding base claims. These claims also provide further basis for patentability.

Claims 5, 6, 19, 20, 30 and 31 were rejected under 35 USC § 103(a) as being unpatentable over *Smith* (U.S. Publication 2003/0025603) as applied to claims 1 and 29 above, and further in view of *Dorinski et al.* (U.S. Patent 5,821,854).

Claims 5 and 6, claims 19 and 20, and claims 30 and 31 are dependent claims that depend directly from independent claims 1, 15, and 29, respectively. Consequently, these claims are

allowable for at least the same reasons as their corresponding base claims. These claims also provide further bases for patentability. For example, claim 6, as amended, adds to the method of claim 5, repeating determining, automatically logging, automatically locking, and automatically unlocking at periodic intervals. Claims 20 and 31 add similar subject matter.

Claims 7, 8, 11, 12, and 14 were rejected under 35 USC § 103(a) as being unpatentable over *Smith* (U.S. Publication 2003/0025603) in view of *Prokoski et al.* (U.S. Patent 6,850,147).

Independent claim 7 has been amended to recite “wherein said at least one biometric sensor includes a heartbeat sensor.” Neither Smith nor Prokoski et al. disclose or suggest, either alone or in combination, the use of a heartbeat sensor as a biometric sensor within a wireless body appliance.

Claims 8, 11, 12, and 14 are dependent claims that depend, either directly or indirectly, from independent claim 7. Consequently, these claims are allowable for at least the same reasons as claim 7. These claims also provide further basis for patentability. For example, claim 8 has been amended to recite that the wireless body appliance includes one of the following: a glove and a hat. Neither Smith nor Prokoski et al. disclose or suggest, either alone or in combination, the use of a glove or hat as a wireless body appliance. Also, claim 14 further defines the “at least one notification structure” of claim 12 as including at least one of: a heating element and a cooling element. Neither Smith nor Prokoski et al. disclose or suggest, either alone or in combination, the use of a heating or cooling element as a notification structure.

Claims 8 and 9 were rejected under 35 USC § 103(a) as being unpatentable over *Smith* (U.S. Publication 2003/0025603) in view of *Prokoski et al.* (U.S. Patent 6,850,147) as applied to claims 7 and 12 above, and further in view of *Byrne* (U.S. Patent 6,424,251).

Claims 8 and 9 are dependent claims that depend, either directly or indirectly, from independent claim 7. Consequently, this claim is allowable for at least the same reasons as claim 7. These claims also provide further basis for patentability. For example, claim 8 has been amended to recite that the wireless body appliance includes one of the following: a glove and a hat. Neither Smith nor Prokoski et al. discloses the use of a glove or a hat as a wireless body appliance. Byrne relates to a personal electronic device notification system that is used to notify a user of events associated with one or more devices. Byrne discloses the use of a hat as a

notification device for a user. However, none of Smith, Prokoski, or Burne disclose or suggest, either alone or in combination, the use of a hat (or a glove) as a wireless body appliance that includes biometric authentication functionality.

Claim 10 was rejected under 35 USC § 103(a) as being unpatentable over *Kotzin* (U.S. Publication 2004/0257196) as applied to claim 7 above, and in further view of *Bianco, et al.* (U.S. Patent 6,256,737).

Claim 10 is a dependent claim that depends directly from independent claim 7. Consequently, this claim is allowable for at least the same reasons as claim 7.

Claim 13 was rejected under 35 USC § 103(a) as being unpatentable over *Smith* (U.S. Publication 2003/0025603) in view of *Prokoski, et al.* (U.S. Patent 6,850,147) as applied to claim 12 above, and further in view of *Chadha* (U.S. Publication 2004/0176107).

Claim 13 is a dependent claim that depends indirectly from independent claim 7. Consequently, this claim is allowable for at least the same reasons as claim 7.

Claim 21 was rejected under 35 USC § 103(a) as being unpatentable over *Smith* (U.S. Publication 2003/0025603) as applied to claim 15 above, and further in view of *Chadha* (U.S. Publication 2004/0176107).

Claim 21 is a dependent claim that depends indirectly from independent claim 15. Consequently, this claim is allowable for at least the same reasons as claim 15.

Claims 22-28 were rejected under 35 USC § 103(a) as being unpatentable over *Smith* (U.S. Publication 2003/0025603) in view of *Chadha* (U.S. Publication 2004/0176107).

Claims 22-28 have been canceled.

Claims 32 and 33 were rejected under 35 USC § 103(a) as being unpatentable over *Smith* (U.S. Publication 2003/0025603) in view of *Deng et al.* (U.S. Publication 2003/0043078).

Claim 32, as amended, is allowable for at least the same reasons as claim 1 described above. Claim 33 is a dependent claim that depends directly from independent claim 32. Consequently, this claim is allowable for at least the same reasons as claim 32.

Claims 34 and 35 were rejected under 35 USC § 103(a) as being unpatentable over *Smith* (U.S. Publication 2003/0025603) in view of *Deng et al.* (U.S. Publication 2003/0043078) as applied to claim 32 above, and further in view of *Dorinski et al.* (U.S. 5,821,854).

Claims 34 and 35 are dependent claims that depend directly from independent claim 32. Consequently, these claims are allowable for at least the same reasons as claim 32. These claims also provide further basis for patentability.

Claim 36 was rejected under 35 USC § 103(a) as being unpatentable over *Smith* (U.S. Publication 2003/0025603) in view of *Deng, et al.* (U.S. Publication 2003/0043078) as applied to claim 32 above, and further in view of *Chadha* (U.S. Publication 2004/0176107).

Claim 36 is a dependent claim that depends directly from independent claim 32. Consequently, this claim is allowable for at least the same reasons as claim 32.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (480-948-3745) to facilitate prosecution of this application.

Respectfully submitted,

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By their Representatives,

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480-948-3745

Date September 19, 2006

By _____
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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 19th day of September, 2006.

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Signature